

In the United States District Court
For the Western District of Michigan
Southern Division

Lena Bally, et al.,

Plaintiffs,

v.

**Gretchen Whitmer, in her official capacity
as Governor of Michigan, et al.**

Defendants.

Case No.: 1:20-cv-01088

Motion to Expedite

**EXPEDITED CONSIDERATION
REQUESTED**

Motion to Expedite

Plaintiffs Lena Bally, Steven Butler, Gavriel Grossbard, and Carol Hatch (collectively “Voters”), pursuant to Federal Rule of Civil Procedure 57, move for this Court to Order an expedited schedule, expedited discovery, and an expedited hearing on the merits of the Verified Complaint (ECF No. 1).

For the reasons set forth in the accompanying brief, Voters request that the Court order:

- a prompt scheduling conference to establish an expedited schedule for the resolution of this case;
- entry of the following expedited schedule:
 - (1) all discovery requests and responses thereto, and all third party subpoenas and responses thereto, shall be completed no later than November 18, 2020,
 - (2) a trial brief shall be filed with the Court by all parties no later than one business day prior to the scheduled trial on the merits,
 - (3) a trial on the merits shall be scheduled the week of November 23, 2020,

and

- (4) this Court shall rule promptly on the matter after the trial;
- expedition of all discovery according to the proposed schedule and waiver of certain discovery rules that would impede expedited discovery, as follows:
 - (1) waiver of the provisions of Federal Rule of Civil Procedure 26(a)(1) requiring initial disclosure and order that initial disclosure need not be made in order to expedite discovery,
 - (2) waiver of the requirements of Federal Rule of Civil Procedure 26(f) that parties must confer before initiating discovery and order that Voters may begin discovery immediately pursuant to Federal Rule of Civil Procedure 26(d)(1), and
 - (3) waiver of the requirements of Federal Rule of Civil Procedure 45(a)(4) of notice to all parties prior to serving third party subpoenas and permit third party subpoenas to be served immediately without prior notice.

In Voters' good faith efforts to expedite this case, Voters have emailed all pleadings to Defendants when possible, in addition to complying with the applicable requirements regarding service and summons under the Federal Rules of Civil Procedure. The parties were notified of the case immediately after filing.

Pursuant to W.D. Mich. LCivR 7.1(d), Voters simultaneously file their *Certificate of Compliance with W.D. Mich. LcivR 7.1(d)* detailing their efforts "to comply with the obligation created by this rule."

For the reasons stated in the accompanying *Brief in Support of Motion to Expedite*, Voters

request that this Court grant their *Motion to Expedite*.

Date: November 12, 2020

Respectfully Submitted,

/s/ Maxwell Goss

Maxwell Goss (MI #P78594)

max@maxwellgoss.com

Maxwell Goss, PLLC

370 E. Maple Rd., Third Floor

Birmingham, Michigan 48009

Telephone: 248/266-5879

Local Counsel for Plaintiffs

James Bopp, Jr. (IN #2838-84)*

jboppjr@aol.com

Richard E. Coleson (IN #11527-70)**

rcoleson@bopplaw.com

Courtney Turner Milbank (IN #32178-29)**

cmilbank@bopplaw.com

True the Vote, Inc.

Validate the Vote Project

THE BOPP LAW FIRM, PC

1 South Sixth St.

Terre Haute, IN 47807-3510

Telephone: 812/232-2434

Lead Counsel for Plaintiffs

*Application for admission forthcoming

**Application for admission pending

Certificate of Service

I hereby certify that on November 12, 2020, I caused the foregoing *Motion to Expedite* in the above-captioned matter to be filed with the United States District Court for the Western District of Michigan, Southern Division, via the Court's CM/ECF system. I also hereby certify that I caused the foregoing to be served via first class mail, and via email when known, upon:

Governor Gretchen Whitmer
governorsoffice@michigan.gov
111 S Capitol Ave
Lansing, MI 48933

Michigan Board of State Canvassers
elections@michigan.gov

Jeannette Bradshaw
jbradtwp2@gmail.com

Aaron Van Langevelde
avanlangevelde@house.mi.gov

Norman D. Shinkle
normshinkle@gmail.com

Julie Matuzak
info@JulieMatuzak4Commissioner.com

Richard H. Austin Building, 1st Floor
430 W. Allegan
Lansing, MI 48918

Wayne County Board of County Canvassers
clerkhelp@waynecounty.com

Monica Palmer
Jonathan C. Kinloch
admin@mi13thdistrict.com

William Hartmann
Allen Wilson
2 Woodward Avenue, Suite 502
Detroit, Michigan 48226

Washtenaw County Board of Canvassers
elections@washtenaw.org

Mary Hall-Thiam
vicechair@washtenawdems.org

Malcolm Doug Scott

Dan Smith

Teena Weaver-Gordon
teena.gordon@yahoo.com

220 North Main
Ann Arbor, MI 48104

Ingham County Board of Canvassers
inghamclerk@ingham.org

Ted Lawson
Rebecca Bahar-Cook
rbahar-cook@ingham.org

Joe Groff
Jude Wells
Barb Bynum
inghamclerk@ingham.org
clerkbynum@gmail.com
Ingham County Courthouse
P.O Box 179, Mason, MI 48854

/s/ Maxwell Goss

Maxwell Goss